

CRIMINAL JUSTICE SERVICES BOARD

Title of Regulation 6 VAC 20-230. Regulations Relating to Special Conservator of the Peace

6 VAC 20-230-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

“Armed special conservator of the peace” means a special conservator of the peace registrant who carries or has immediate access to a firearm in the performance of his duties.

“Board” means the Criminal Justice Services Board or any successor board or agency.

“Certification” means a method of regulation indicating that qualified persons have met the minimum requirements as private security services training schools and private security services instructors.

“Certified training schools” means a training school certified by the department for specific purpose of training a special conservator of the peace regulated in at least 1 category of the compulsory minimum training standards.

“Class” means a block of instruction no less than 50 minutes in length on a particular subject.

“Combat loading” means tactical loading of a shotgun while maintaining coverage of the threat area.

“Department” means the Department of Criminal Justice Services or any successor agency.

“Director” means the chief administrative officer of the department.

“Electronic roster submittal” means the authority given to the training director or assistant training director of a training school, after they have submitted an application and the required non-refundable fee, to submit a training school roster to the department electronically through the department’s on-line system.

“Firearms verification” means verification of successful completion of either initial or retraining requirements for handgun or shotgun training, or both.

“Incident” means an event that exceeds the normal extent of one’s appointed special conservator of the peace authority.

“In-service training requirement” means the compulsory in-service training standards adopted by the Criminal Justice Services Board for special conservator of the peace personnel.

“Performance of his duties” means on duty in the context of this chapter.

“Person” means any individual, group of individuals, firm, company, corporation, partnership, business, trust, association, or other legal entity.

“Physical address” means the location of the building that houses a business or training school, (a post office box is not a physical address).

“Private security services training school” means any person certified by the department to provide instruction in special conservator of the peace subjects for the training of special conservator of the peace personnel in accordance with this chapter.

“Registration” means a method of regulation that identifies individuals as having met the minimum requirements for a particular registration category as set forth in this chapter.

“Registration category” means any one of the following categories: (i) unarmed special conservators of the peace, (ii) armed special conservators of the peace.

“Session” means a group of classes comprising the total hours of mandated training in any of the following categories: unarmed special conservator of the peace, and armed special conservator of the peace.

“Special Conservator of the Peace” means any individual appointed by the circuit court pursuant to § 19.2-13 on or after September 15, 2004 to perform only those powers, functions, duties and responsibilities authorized within such geographic limitations as the court may deem appropriate.

“Special Conservator of the Peace Registrant” means any individual who has met the requirements under this article to apply for appointment to the circuit court as a special conservator of the peace.

“This chapter” means the Regulations Relating to Special Conservators of the Peace as part of the Virginia Administrative Code.

“Training certification” means verification of the successful completion of any training requirement established in this chapter.

“Training requirement” means any entry level, in-service, or firearms retraining standard established in this chapter.

“Unarmed special conservator of the peace” means a special conservator of the peace registrant who does not carry or has immediate access to a firearm in the performance of his duties.

6 VAC 20-230-20. Fees.

A. Schedule of fees. The fees listed below reflect the costs of handling, issuance, and production associated with administering and processing applications for licensing, registration, certification and other administrative requests for services related to private security services. (NOTE: FEES ARE NON-REFUNDABLE)

<u>CATEGORIES</u>	<u>FEES</u>
<u>Initial registration</u>	<u>\$60</u>
<u>Registration renewal</u>	<u>\$60</u>
<u>Application for training exemption</u>	<u>\$25</u>
<u>Fingerprint card processing</u>	<u>\$50</u>
<u>Replacement photo identification letter</u>	<u>\$20</u>

B. Reinstatement fee.

1. The department shall collect a reinstatement fee for registration renewal applications not received on or before the expiration date of the expiring registration.
2. The reinstatement fee shall be 50% above and beyond the renewal fee of the registration, or any other credential issued by the department wherein a fee is established and renewal is required.

C. Dishonor of fee payment due to insufficient funds.

1. The department may suspend the registration or authority it has granted any person or registrant who submits a check or similar instrument for

payment of a fee required by statute or regulation that is not honored by the financial institution upon which the check or similar instrument is drawn.

2. The suspension shall become effective upon receipt of written notice of the dishonored payment. Upon notification of the suspension, the person or registrant may request that the suspended registration or authority be reinstated, provided payment of the dishonored amount plus any penalties or fees required under the statute or regulation accompany the request. Suspension under this provision shall be exempt from the Administrative Process Act.

6 VAC 20-230-30. Initial registration application.

A. Individuals are required to be registered, pursuant to §19.2-13 Code of Virginia, in the category of Special Conservator of the Peace. Prior to the issuance of a registration, the applicant shall meet or exceed the requirements of registration and application submittal to the department as set forth in this section. Individuals who carry or have access to a firearm while on duty must have a valid registration with firearms verification. The court may limit or prohibit the carrying of weapons by any special conservator of the peace as defined in § 19.2-13. F.

B. Each person applying for registration shall meet the minimum requirements for eligibility as follows:

1. Be a minimum of 18 years of age; and
2. Successfully complete all initial training requirements for special conservator of the peace, including firearms verification if applicable, requested pursuant to the entry level training standards in 6 VAC 20-230-160.
3. Be a United States citizen or legal resident alien of the United States.

C. Each person applying for registration shall file with the department:

1. A properly completed application provided by the department;
2. A mailing address on the application;
3. Fingerprint cards pursuant to 6 VAC20-230-40;
4. The applicable, nonrefundable application fee;
5. A Drug and Alcohol Test pursuant to 6 VAC 230-50.
6. Pursuant to § 19.2-13 subsection C, documentation verifying that the applicant has secured a surety bond or cash bond in the amount not to be less than \$10,000 executed by a surety company authorized to do business in Virginia, or a certificate of insurance reflecting the department as a certificate holder, showing a policy of comprehensive general liability insurance with a minimum coverage of \$10,000 issued by an insurance company authorized to do business in Virginia.

7. Documentation verifying completion of initial training with a certified training school, private security services training school or documentation for training exemption for prior training.

D. Upon completion of the initial registration application requirements, the department may issue a temporary registration letter for a period not to exceed 12 months. This temporary registration letter shall be taken to the circuit court where seeking appointment for special conservator of the peace.

E. The department may issue a letter of temporary registration for not more than 120 days while awaiting the results of the state and national fingerprint search provided the applicant has met the necessary conditions and requirements.

F. Each registration shall be issued to the individual named on the application and shall be valid only for use by that individual. No registration shall be assigned or otherwise transferred to another individual.

G. Each registered individual shall comply with all applicable administrative requirements and standards of conduct and shall not engage in any acts prohibited by applicable sections of the Code of Virginia and this chapter.

H. Once the individual has met the requirements and received a temporary registration letter, he then shall appear before the circuit court in the jurisdiction where the individual will be employed to seek appointment.

I. Meeting the requirements of registration allows an individual to be eligible for appointment. Registration does not guarantee appointment.

J. Upon completion of an appointment by a circuit court, the individual shall file a copy of the court order granting appointment as a special conservator of the peace authority and jurisdiction with the department. A final registration letter then will be issued to the individual by the department that shall be submitted to a specified entity for a photo identification card.

6 VAC 20-230-40. Fingerprint processing.

A. Before appointment by the circuit court, each individual applying for Special Conservator of the Peace shall submit to the department:

1. One completed fingerprint cards provided by the department or another electronic method approved by the department;
2. A fingerprint processing application;
3. The applicable nonrefundable fee.
4. All criminal history conviction information on a form provided by the department.

B. The department shall submit those fingerprints to the Virginia State Police for the purpose of conducting a Virginia Criminal History Records search and a National Criminal Records search to determine whether the individual or individuals have a record of conviction.

C. Fingerprint cards that are found to be unclassifiable will be returned to the applicant. Action on the application will be suspended pending the resubmittal of classifiable fingerprint cards. The applicant shall be so notified in writing and shall submit new fingerprint cards and the applicable, nonrefundable fee to the department

before the processing of his application shall resume. However, no such fee may be required if the rejected fingerprint cards are included and attached to the new fingerprint cards when resubmitted and the department is not assessed additional processing fees.

D. If the applicant is denied by DCJS, the department will notify the applicant by letter regarding the reasons for the denial.

6VAC20-230-50. Drug and Alcohol Testing.

A. Before appointment by the circuit court, each individual applying for Special Conservator of the Peace, must submit to a drug and alcohol screening test approved by the Department of Criminal Justice Services.

B. The applicant is responsible for any fees required for the drug and alcohol-screening test. The applicant will directly make payment to the approved agency conducting the drug and alcohol-screening test.

C. Drug and alcohol screening results will be sent to the department for review. If the applicant is denied by DCJS, the department will notify the applicant by letter regarding the reasons for the denial.

D. A list of approved drug and alcohol-screening agencies will be provided to the applicant during the registration application process.

6 VAC 20-230-60. Applications Procedures and requirements

Every applicant for special conservator of the peace shall submit all requirements for a criminal history records background search and initial registration requirements.

6 VAC 20-230-70. Renewal registration application.

A. Applications for registration renewal should be received by the department at least 30 days prior to expiration. The department will provide a renewal notification to the last known mailing address of the registered individual. However, if the individual does not receive a renewal notification, it is the responsibility of the individual to ensure renewal requirements are filed with the department. Registration renewal applications received by the department after the expiration date shall be subject to all applicable, nonrefundable renewal fees plus reinstatement fees.

B. Each person applying for registration renewal shall meet the minimum requirements for eligibility as follows:

1. Successfully complete the in-service training, and firearms retraining if applicable, pursuant to the compulsory minimum training standards set forth by this chapter; and
2. Be in good standing in every jurisdiction where appointment is granted. This subdivision shall not apply to any probationary periods during which the individual is eligible to operate under the registration.

C. The department may renew a registration when the department receives the following:

1. A properly completed renewal application provided by the department;
2. The applicable, nonrefundable registration renewal fee.
3. For individuals with firearms, verification of completed annual firearms training.

4. A copy of the court order granting special conservator of the peace authority and jurisdiction if changed from the original filed with the department.

D. Upon completion of the renewal registration application requirements, the department may issue a registration letter for a period not to exceed 12 months. This registration letter shall be submitted by the applicant to a specified entity for a state issued photo identification card or a decal will be provided by the department.

E. Any renewal application received by the department shall meet all renewal requirements prior to the expiration date of a registration or shall be subject to the reinstatement requirements set forth in 6 VAC 20-230-90.

6 VAC 20-230-80. Replacement state issued photo identification letter.

Registered individuals seeking a replacement state issued photo identification letter shall submit to the department:

1. A properly completed application provided by the department; and
2. The applicable, nonrefundable application fee.

6 VAC 20-230-90. Reinstatement.

A. Individuals who do not renew their registration on or before the expiration date may not work as a Special Conservator of the Peace until reinstatement requirements have been met. Pursuant to the Code of Virginia, all such persons must currently be registered with the department as a special conservator of the peace.

B. A renewal application must be received by the department within 60 days following the expiration date of the registration in order to be reinstated by the department providing all renewal requirements have been met. The department shall not reinstate renewal applications received after the expiration date 60-day reinstatement period has expired. It is unlawful to operate without a valid registration during reinstatement period. The department shall not reinstate a registration that has become null and void due to not maintaining required insurance or surety bond coverage. The department will notify the court when an individual has not met the registration renewal requirements with the department. Prior to reinstatement the following shall be submitted to the department:

1. The appropriate renewal application and completion of renewal requirements including required training pursuant to this chapter;
2. The applicable, nonrefundable reinstatement fee

C. A registration shall be renewed or reinstated only when all renewal application requirements are received by the department. After the 60-day reinstatement period, an applicant shall meet all initial application requirements, including applicable training requirements.

D. Following submittal of all reinstatement requirements, the department will process and may approve any application for reinstatement pursuant to the renewal process for the application.

6 VAC 20-230-100. Renewal extensions.

A. An extension of the time period to meet renewal requirements may be approved only under specific circumstances that do not allow special conservators of the peace to complete the required procedures within the prescribed time period. The following are the only circumstances for which extensions may be granted:

1. Extended illness;
2. Extended injury;
3. Military or Foreign Service.

B. A request for extension shall:

1. Be submitted in writing, dated and signed by the individual prior to the expiration date of the time limit required for completion of the requirements;
2. Indicate the projected date the individual will be able to comply with the requirements; and
3. Include a copy of the physician's record of the injury or illness or a copy of the government orders.

C. No extension will be approved for registrations that have expired.

D. Applications for additional extensions may be approved upon written request of the individual.

E. The individual shall be non-operational during the period of extension.

6 VAC 20-230-110. Court Order Term Expiration Renewal Process.

A. A special conservator of the peace registration will become null and void if the individual does not renew their court order with the circuit court on or before the expiration of the term date.

B. A copy of the renewed special conservator of the peace court order must be received by the department on or before the expiration date of the court order.

6 VAC 20-230-120. Denial, probation, suspension and revocation.

A. The department may deny a registration for any person with a criminal conviction for a misdemeanor involving (i) moral turpitude, (ii) assault and battery, (iii) damage to real or personal property, (iv) controlled substances or imitation controlled substances as defined in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia, (v) prohibited sexual behavior as described in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 of the Code of Virginia, (vi) firearms, or (vii) any felony. Any plea of nolo contendere shall be considered a conviction for the purposes of this chapter. The record of a conviction, authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted, shall be admissible as prima facie evidence of such conviction.

B. The department may deny a registration in which any individual has not maintained good standing in the jurisdiction where appointed by the circuit court; had a registration that was denied upon initial application, suspended, revoked, surrendered, or

not renewed; or has otherwise been disciplined in connection with a disciplinary action prior to applying for registration in Virginia.

C. Any false or misleading statement on any state application or supporting documentation is grounds for denial or revocation and may be subject to criminal prosecution.

D. A registered individual shall be subject to disciplinary action for violations or noncompliance with the Code of Virginia or this chapter. Disciplinary action shall be in accordance with procedures prescribed by the Administrative Process Act. The disciplinary action may include but is not limited to a letter of censure, fine, probation, suspension or revocation.

E. The department may deny a registration for any individual that tests positive on the submitted drug and alcohol screening.

6VAC20-230-130. General requirements.

All registered individuals are required to maintain administrative requirements and standards of conduct as determined by the Code of Virginia, department guidelines and this chapter.

6 VAC 20-230-140. Registered individual administrative requirements.

A. A registered individual shall:

1. Conform to all requirements pursuant to the Code of Virginia and this chapter.

2. Maintain at all times with the department his mailing address, e-mail address

and phone number, if applicable. Written notification of any address change, e-mail address or phone number shall be in writing and received by the department no later than 10 days after the effective date of the change.

3. Inform the department in writing within 10 days after pleading guilty or nolo contendere or being convicted or found guilty of any felony or of a misdemeanor.

4. Inform the department in writing within 10 days after having been found guilty by any court or administrative body of competent jurisdiction to have violated the special conservator of the peace statutes or regulations of that jurisdiction, there being no appeal there from or the time for appeal having elapsed.

5. Inform the department of any incident in which any registrant has discharged a firearm while on duty, excluding any training exercise. This report shall be made within 24 hours of the incident.

6. Inform the department and circuit court where the individual was appointed within 10 days, that the individual has left employment.

7. Submit documentation of jurisdiction of appointment to the department within 30 days from appointment of the circuit court.

B. An individual's appointment from the circuit court shall not exceed four years under any one appointment.

6 VAC 20-230-150. Registered individual standards of conduct.

A. A registered individual shall:

1. Conform to all requirements pursuant to the Code of Virginia and this chapter.
2. Not violate or aid and abet others in violating the provisions of Article 1 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1 of the Code of Virginia or this chapter.
3. Not commit any act or omission that results in a registration being suspended, revoked, not renewed or being otherwise disciplined in any jurisdiction.
4. Not obtain a special conservator of the peace registration or registration renewal through any fraud or misrepresentation.
5. Carry a valid registration or valid temporary authorization letter at all times while on duty.
6. Carry the private security state authorized identification card at all times while on duty once the authorization has been approved from the department.
7. Perform those duties authorized by the circuit court only while employed and in the jurisdiction of appointment. Perform those duties only authorized in the circuit court ordered appointment.
8. Maintain a valid firearms verification if he carries or has immediate access to firearms while on duty and authorized by the circuit court and may only carry those firearms that he has been trained with and is qualified to carry.
9. Carry a firearm concealed while on duty only with the expressed authorization of the circuit court who appoints the registrant and only in compliance with § 18.2-308 of the Code of Virginia.
10. Transport, carry and utilize firearms while on duty only in a manner that does not endanger the public health, safety and welfare.

11. Make arrests in full compliance full compliance with the law and using only the minimum force necessary to effect an arrest.

12. Display one's registration while on duty in response to the request of a law-enforcement officer, department personnel or client.

13. Not perform any unlawful or negligent act resulting in a loss, injury or death to any person.

14. If a uniform is required, wear the uniform required by the employer. If wearing a uniform while employed as a special conservator of the peace, that the uniform must:

- a. Only have the title “police” on any badge or uniform when the circuit court order indicates and to the extent the displayed words accurately represents a special conservator of the peace;
- b. Have a name plate or tape bearing, as a minimum, the individual’s last name attached on the outermost garment, except rainwear worn only to protect from inclement weather.

15. Act only in such a manner that does not endanger the public health, safety and welfare.

16. Not represent as one's own a special conservator of the peace registration issued to another individual.

17. Not falsify, or aid and abet others in falsifying, training records for the purpose of obtaining a registration.

18. Not engage in acts of unprofessional conduct in the practice of special conservator of the peace services.

19. Not engage in acts of negligent and/or incompetent special conservator of the peace services.

20. Maintain at all times current liability coverage at least in the amount prescribed by the Code of Virginia.

B. No person with a criminal conviction for a misdemeanor involving (i) moral turpitude, (ii) assault and battery, (iii) damage to real or personal property, (iv) controlled substances or imitation controlled substances as defined in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, (v) prohibited sexual behavior as described in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, (vi) firearms or (vii) any felony from which no appeal is pending, the time for appeal having elapsed. Any plea of nolo contendere shall be considered a conviction for the purpose of this chapter. The record of conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be prima facie evidence of such guilt.

6 VAC 20-230-160. Entry-level training.

A. Each individual applying to the department for registration as a special conservator of the peace as defined must meet the mandated entry level training herein established unless provided for otherwise in accordance with this chapter.

B. The entry level training hour requirement by category, excluding examinations, practical exercises and range qualification, shall be:

1. Unarmed special conservator of the peace – 24 hours

2. Armed special conservator of the peace – 40 hours

C. The entry level training course content by category, excluding range qualification, shall be as provided in this subsection.

1. Unarmed special conservator of the peace. The entry-level curriculum for unarmed special conservator of the peace sets forth the following areas identified as:

a. Orientation – 2 hours

(1) Virginia Law and Regulations

(2) Code of Ethics

(3) General Duties and Responsibilities

(4) Definitions

(5) Training Requirements

(6) Violations and Sanctions

b. Legal Procedures, Due Process, Civil Law, Criminal Law and Constitutional Law – 8 hours

(1) Knowledge of State and Federal Courts

(2) Legal terminology and definitions

(3) U.S. Constitution – Bill of Rights

(4) Limitations and liability

- (5) Felony vs. Misdemeanor
- (6) Probable cause
- (7) Arrests
- (8) Magistrates
- (9) Trials
- (10) Grand Jury
- (11) Civil Law
- (12) Service of Process
- (13) Criminal Court System
- (14) Legal authority and related issues
- (15) Purpose of the Function of law
- (16) United States Constitution
- (17) Virginia Constitution
- (18) Consensual Encounters
- (19) Investigative Detention/Terry Stop
- (20) Exigent Circumstances
- (21) Laws of arrests
- (22) Arrest Procedures

c. Basic Law – 4 Hours

- (1) Juvenile Law
- (2) Crimes Against Peace & Order

- (3) Crimes Against Persons
- (4) Crimes Against Property
- (5) Crimes Against Health & Safety
- (6) Crimes Involving Fraud

d. Laws Regarding the Use of Force/Liability Issues – 4 hours

- (1) Use of Force
- (2) Liability Issues
- (3) Justifiable deadly force

e. Obtaining an Arrest Warrant/Virginia Uniform Summons – 4 hours

- 1. Appearing before a magistrate
- 2. Types of Warrants
- 3. Serving a Warrant
- 4. Issuing a Virginia Uniform Summons

f. Rules of Evidence – 1 hour

- 1. Definition of Evidence
- 2. Rules
- 3. Types
- 4. Requirements
- 5. Admissibility of Evidence

6. Integrity of Evidence

7. Chain of Custody

g. Court Room Testimony – 1 hour

Total hours –24 hours

2. Armed special conservator of the peace.

a. Unarmed special conservator of the peace core subjects – 24
hours

b. Entry level handgun training (refer to 6 VAC 20-230-200) – 16
hours (includes-dry fire, judgmental shooting and low level light
shooting familiarization)

c. Entry level shotgun training, if applicable (refer to 6 VAC 20-
230-210) – 2 hours

Total hours (excluding examinations, shotgun classroom
instruction and range qualification) – 40 hours

6 VAC 20-230-170. In-service training.

A. Each person registered with the department as a special conservator of the
peace by the department shall complete the in-service training once during each 12-
month period of registration. In-service training must be completed within 12 months
prior to the expiration date.

B. The in-service training hour requirement by category, excluding examinations, practical exercises and range qualification, shall be as follows:

1. Special conservators of the peace – 8 hours
2. Firearms requalification if applicable.

C. The in-service training for special conservator of the peace course content by category, excluding examinations, practical exercises and range qualification, shall be as follows:

1. Legal authority – 4 hours
2. Job-related training – 4 hours

Total hours – 8 hours

6 VAC 20-230-180. In-service training exemption.

Persons who have completed training that meets or exceeds the in-service training promulgated by the board for the in-service training required for the individual's particular category may be authorized credit for such training, provided the training has been completed within 12 months of the expiration date of the registration period during which in-service training is required. Such training must be provided by a third party organization offering services or expertise for the particular training category. Official documentation of the following must accompany the application for in-service training credit:

- A. Information regarding the sponsoring organization, including documentation regarding the instructor for each session; and

B. An outline of the training session material, including the dates, times and specific subject matter.

C. Proof of attendance and successful completion.

6 VAC 20-230-190. General firearms training requirements.

Firearms training verification is required for all individuals who carry or have immediate access to a firearm while on duty and may only carry those firearms that he has been training with and is qualified to carry.

6 VAC 20-230-200. Entry-level handgun training.

A. Handgun classroom training.

1. The entry-level handgun classroom training will include but not be limited to the following:

a. Proper care and maintenance of the firearm;

b. Civil liability of the use of firearms;

c. Criminal liability of the use of firearms;

d. Firearms retention and storage;

e. Deadly force;

f. Justifiable deadly force;

g. Range safety;

h. Principles of marksmanship;

i. Practical firearms handling and safety;

j. Judgmental shooting; and

k. Low level light shooting familiarization

Total Hours (excluding written examination)—16 hours

2. Written examination required.

B. Range qualification (no minimum hours). The purpose of the range qualification course is to provide practical firearms training to individuals desiring to become armed special conservators of the peace.

1. Prior to the date of range training, it will be the responsibility of the school director to ensure that all students are informed of the proper attire and equipment to be worn for the firing range portion of the training.

Equipment needed: handgun, belt with directional draw holster, ammunition (60 rounds).

2. Factory loaded practice or duty ammunition (60 rounds) may be used for range qualification.

3. Course shall be fired double action, double single action, except for single action semi-automatic handguns.

4. All qualifications shall be conducted using a B-27 silhouette target or the FBI “Q” target. Alternate targets may be utilized with prior approval by the department.

5. With prior approval of the department, a reasonable modification of the firearms course may be approved to accommodate qualification on indoor ranges.

6. A certified firearms instructor must be present on the range directly controlling the firing line during all phases of firearms training. There shall be a minimum of one certified firearms instructor per five shooters on the line.

7. All individuals shall qualify with directional draw holsters only.

8. The range qualification of individuals shall be scored as follows:

B27 target: (use indicated K-value) 7,8, 9, 10 X rings--value 5 points, other hits on silhouette--value 0 points: divide points scored by maximum possible score to obtain decimal and convert to percentage, e.g., $225 \div 300 = .75 = 75\%$. FBI Q target: all hits inside the bottle – value 5 points; hits outside the bottle – value 0 points.

9. The low light range familiarization of individuals shall be scored as indicated above. This is strictly a familiarization course with no pass or fail grade provided.

C. Course: Virginia Private Security Course of Fire for Handguns. The course of fire shall be conducted using, at a minimum, the requirements set forth in subsection B of this section. Strong/weak hand refers to the primary hand used in firing the firearm. The opposite hand may be used for support. The course of fire shall be conducted in the following phases:

1. Phase 1; 3 yards, utilizing weaver, Modified Weaver or isosceles stance,

18 rounds:

a. Load 6 rounds and holster loaded firearm.

- b. On command, draw and fire 2 rounds (3 seconds), repeat.
- c. Load 6 rounds and holster loaded firearm.
- d. On command, draw and fire 6 rounds with strong hand.
- e. Unload, reload 6 rounds and fire 6 rounds with weak hand (25 seconds).

2. Phase 2; 7 yards, utilizing weaver, Modified Weaver or isosceles stance, 24 rounds:

- a. Load 6 rounds and holster loaded firearm.
- b. On command, draw and fire 1 round (2 seconds), repeat.
- c. Load 6 rounds and holster loaded firearm.
- d. On command, draw and fire 2 rounds (3 seconds), repeat.
- e. Load 6 rounds and holster loaded firearm.
- f. On command, draw and fire 6 rounds, reload 6 rounds, fire 6 rounds (30 seconds).

3. Phase 3; 15 yards, 70 seconds, 18 rounds:

- a. Load 6 rounds and holster loaded firearm.
- b. On command, assume kneeling position, draw and fire 6 rounds with strong hand.
- c. Assume standing position, unload, reload and fire 6 rounds from weak-hand barricade position.

d. Unload, reload and fire 6 rounds from strong-hand barricade position (Kneeling position may be fired using barricade position.) (70 seconds).

D. Low Light Course: Virginia Private Security Low Light Familiarization Course of Fire for Handguns. The course of fire shall be conducted using, at a minimum, the requirements set forth in this subsection. Equipment needed: belt with directional draw holster, handgun, two speed loaders or three magazines, range ammunition (30 rounds). Equipment provided by instructor: A range that can simulate low light. Strong/weak hand refers to the primary hand used in firing the firearm. The opposite hand may be used for support. The course of fire shall be conducted in the following phases:

1. Phase I; 3 yards, utilizing weaver or isosceles stance, 18 rounds:

- a. Load 6 rounds and come to ready
 - b. On command, fire 2 rounds (3 seconds) repeat
 - c. Load 6 rounds and come to ready
 - d. On command, fire 6 rounds with strong hand
 - e. Unload, reload 6 rounds and fire 6 rounds
- (30 seconds)

2. Phase 2; 7 yards, utilizing weaver or isosceles stance, 12 rounds

- a. Load 6 rounds and come to ready
- b. On command, fire 2 rounds (5 seconds), and repeat

c. Load 6 rounds and come to ready

d. On command, draw and fire 3 rounds (6 seconds), and repeat

6 VAC 20-230-210. Entry-level shotgun training.

A. Shotgun classroom training. The entry-level shotgun classroom instruction will emphasize but not be limited to:

1. Safe and proper use and handling of the shotgun;

2. Nomenclature;

3. Positions and combat loading techniques;

4. Decision-making for the officer with the shotgun;

5. Transition from sidearm to shotgun; and

6. Shotgun retention and proper use of a sling.

Total hours- 2 hours

B. Range qualification (no minimum hours). The purpose of the range-firing course is to provide practical shotgun training to those individuals who carry or have immediate access to a shotgun in the performance of their duties.

1. For certification, 12 gauge, double aught "00" buckshot ammunition shall be used. Five rounds.

2. Scoring--70% of available pellets must be within silhouette.

C. Course: Virginia Private Security Course of Fire for Shotguns.

<u>Distance</u>	<u>Position</u>	<u>No. Rounds</u>	<u>Target</u>	<u>Time</u>
-----------------	-----------------	-------------------	---------------	-------------

Combat load & fire 15 Yds. Standing/Shoulder 3 B-27 Silhouette 20 sec.

Combat load & fire 25 Yds. Kneeling/ Shoulder 2 B-27 Silhouette 15 sec.

D. A certified firearms instructor must be present on the range directly controlling the firing line during all phases of firearms range training. There shall be a minimum of one certified firearms instructor per five shooters on the line.

6 VAC 20-230-220. Firearms (handgun/shotgun) retraining.

All armed special conservators of the peace must satisfactorily complete two hours of firearms classroom training or practical exercises and range training, and requalify as prescribed in (6 VAC 20-230-200) for handgun and (6 VAC 20-230-210) for shotgun, if applicable, on an annual basis prior to the issuance of the Firearms verification, as follows.

A. Classroom retraining or practical exercises--2 hours

B. Range qualification with handgun and/or shotgun, if applicable (no minimum hours)

Total hours (excluding range qualification)--2 hours

6 VAC 20-230-230. Firearms training exemptions.

Persons who meet the statutory requirements as set forth in § 9.1-141 & § 9.1-101 the Code of Virginia may apply for a partial exemption from the compulsory training standards. Individuals requesting such partial exemption shall file an application furnished by the department and include the applicable, nonrefundable application fee. The department may issue such partial exemption on the basis of individual qualifications as supported by required documentation. Those applying for and receiving exemptions

must comply with all regulations promulgated by the board. Each person receiving a partial exemption must apply to the department for registration within 12 months from the date of issuance; otherwise the partial exemption shall become null and void. No such exemption shall be provided to any individual that has been terminated because of his misconduct or incompetence.

6 VAC 20-230-240. Entry level training exemption.

Persons previously employed as law-enforcement officers who have not terminated or been terminated from said employment more than five years prior to the application date must submit official documentation of the following with the application for partial exemption:

1. Completion of law-enforcement entry level training.
2. Five continuous years of law-enforcement employment provided such employment as a law-enforcement officer was not terminated due to misconduct or incompetence.
3. Experience as a Special Conservator of the Peace with a minimum of two years experience provided that such employment was not terminated due to misconduct or incompetence and training in two or more of the following areas:
 - a. Constitutional Law
 - b. Arrest authority
 - c. Criminal Law

d. Search & Seizure

e. Probable Cause

f. Criminal Procedures

g. Classification of Crimes

h. Basic Law

i. Laws regarding the use of force/liability issues

j. Police Functions

k. Rules of evidence

6 VAC 20-230-250. Prior firearms training exemption.

Persons having previous department-approved firearms training may be authorized credit for such training that meets or exceeds the entry level firearms training for special conservator of the peace, provided such training has been completed within the 12 months preceding the date of application. Official documentation of the following must accompany the application for partial in-service training credit:

1. Completion of department-approved firearms training; and
2. Qualification at a Virginia criminal justice agency, academy or correctional department.

6 VAC 20-230-260. COMPLAINTS, DEPARTMENT ACTIONS, ADJUDICATION

In accordance with § 9.1-150.2 of the Code of Virginia, this chapter establishes standards designed to secure the public safety and welfare against deceptive or misleading practices by practitioners engaging in special conservator of the peace services. It shall be the

responsibility of the special conservator of the peace to provide services in a professional manner and ethical manner.

6 VAC 20-230-270. Submittal requirements.

A. Any aggrieved or interested person may file a complaint against any individual whose conduct and activities are regulated or required to be regulated by the board. The complaint must allege a violation of the law governing special conservator of the peace or this chapter.

B. Complaints may be submitted as follows:

1. In writing, or on a form provided by the department and signed by a complainant;
2. In writing, submitted anonymously, that provide sufficient detailed information for the department to conduct an investigation; or
3. Telephonically, providing the complaint alleges activities that constitute a life-threatening situation has resulted in personal injury or loss to the public or to a consumer, or may result in imminent harm or personal injury, and that provide sufficient detailed information for the department to conduct an investigation

6 VAC 20-230-280. Department investigation.

A. The department may initiate or conduct an investigation based on any information received or action taken by the department to determine compliance with the Code of Virginia and this chapter.

B. Documentation.

1. Persons regulated or required to be regulated by this chapter pursuant to the Code of Virginia are required to provide department investigators with any and all records required to be maintained by this chapter.

a. This shall not be construed to authorize the department to demand records protected under applicable federal and state laws. If such records are necessary to complete an investigation, the department may seek a subpoena to satisfy the request.

b. The department shall endeavor to review, and request as necessary, only those records required to verify alleged violations of compliance with the Code of Virginia and this chapter.

2. The department shall endeavor to keep any documentation, evidence or information on an investigation confidential until such time as adjudication has been completed, at which time information may be released upon request pursuant to applicable federal and state laws, rules or regulations.

6VAC20-230-290. Disciplinary action; sanctions; publication of records.

A. Each person subject to jurisdiction of this chapter who violates any statute or regulation pertaining to a special conservator of the peace shall be subject to sanctions imposed by the department regardless of criminal prosecution.

B. The department may impose any of the following sanctions, singly or in combination, when it finds the respondent in violation or in noncompliance of the Code of Virginia or this chapter:

1. Letter of reprimand or censure;
2. Probation for any period of time;
3. Suspension of registration or approval granted, for any period of time;
4. Revocation;
5. Refusal to issue, renew or reinstate a registration or approval;
6. Fine not to exceed \$2,500 per violation as long as the respondent was not criminally prosecuted.
7. Remedial Training

C. The department may conduct hearings and issue cease and desist orders to persons who engage in activities prohibited by this chapter but do not hold a registration. Any person in violation of a cease and desist order entered by the department shall be subject to all of the remedies provided by law and, in addition, shall be subject to a civil penalty payable to the party injured by the violation.

D. The director may summarily suspend a registration under this chapter without a hearing, simultaneously with the filing of a formal complaint and notice for a hearing, if the director finds that the continued operation of a registrant would constitute a life-threatening situation, or has resulted in personal injury or loss to the public or to a consumer, or which may result in imminent harm, personal injury or loss.

E. All proceedings pursuant to this section are matters of public record and shall be preserved. The department may publish a list of the names and addresses of all registrants whose conduct and activities are subject to this chapter and have been sanctioned or denied registration or approval.

6 VAC 20-230-300. Fines, administrative and investigative costs.

A. The department may recover costs of any investigation and adjudication of any violations of the Code of Virginia or of the chapter that result in a sanction, including fine, probation, suspension, revocation or denial of any license, certification or registration. Such costs shall be in addition to any monetary penalty that may be imposed.

B. All monetary penalties imposed, as a sanction shall be deposited into the state treasury to the credit of the State Literary Fund.

6VAC20-230-310. Hearing process.

Following a preliminary investigative process, the department may initiate action to resolve the complaint through an informal fact-finding conference or formal hearing as established in this chapter. Pursuant to the authority conferred in § 9.1-150.2 of the Code of Virginia and in accordance with the procedures set forth by the Administrative Process Act and the procedures prescribed herein, the department is empowered to receive, review, investigate and adjudicate complaints concerning the conduct of any person whose activities are regulated by the board. The board will hear and act upon appeals arising from decisions made by the director. In all case decisions, the Criminal Justice Services Board shall be the final agency authority.

6 VAC 20-230-320. Informal fact-finding conference.

The purpose of an informal fact-finding conference is to resolve allegations through informal consultation and negotiation. Informal fact-finding conferences shall be conducted in accordance with § 2.2-4019 of the Code of Virginia. The respondent, the person against whom the complaint is filed, may appeal the decision of an informal fact-finding conference and request a formal hearing, provided that written notification is given to the department within 30 days of the date the informal fact-finding decision notice was served, or the date it was mailed to the respondent, whichever occurred first. In the event the informal fact-finding decision was served by mail, three days shall be added to that period.

6 VAC 20-230-330. Formal hearing.

A. Formal hearing proceedings may be initiated in any case in which the basic laws provide expressly for a case decision, or in any case to the extent the informal fact-finding conference has not been conducted or an appeal thereto has been timely received. Formal hearings shall be conducted in accordance with § 2.2-4020 of the Code of Virginia. The findings and decision of the director resulting from a formal hearing may be appealed to the board.

B. After a formal hearing pursuant to § 2.2-4020 of the Code of Virginia wherein a sanction is imposed to fine, or to suspend, revoke or deny issuance or renewal of a registration or approval, the department may assess the holder thereof the cost of conducting such hearing when the department has final authority to grant a registration or approval, unless the department determines that the offense was inadvertent or done in good faith belief that such act did not violate a statute or regulation. The cost shall be

limited to (i) the reasonable hourly rate for the hearing officer and (ii) the actual cost of recording the proceedings. This assessment shall be in addition to any fine imposed by sanctions.

C. The department does not have the authority to supercede any decision or action made by the circuit court in reference to an individual's special conservator of the peace appointment.

6 VAC 20-230-340. Appeals.

The findings and the decision of the director may be appealed to the board provided that written notification is given to the attention of the Director, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219, within 30 days following the date notification of the hearing decision was served, or the date it was mailed to the respondent, whichever occurred first. In the event the hearing decision is served by mail, three days shall be added to that period. (Rule 2A:2 of Rules of the Virginia Supreme Court).

6 VAC 20-230-350. Court review; appeal of final agency order.

A. The agency's final administrative decision (final agency orders) may be appealed. Any person affected by, and claiming the unlawfulness of the agency's final case decision, shall have the right to direct review thereof by an appropriate and timely court action. Such appeal actions shall be initiated in the circuit court of jurisdiction in which the party applying for review resides; save, if such party is not a resident of Virginia, the venue shall be in the city of Richmond, Virginia.

B. Notification shall be given to the attention of the Director, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219, in writing within 30 days of the date notification of the board decision was served, or the date it was mailed to the respondent, whichever occurred first. In the event the board decision was served by mail, three days shall be added to that period. (Rule 2A:2 of Rules of the Virginia Supreme Court.)

C. During all judicial proceedings incidental to such disciplinary action, the sanctions imposed by the board shall remain in effect, unless the court issues a stay of the order.